

ENTERED

November 23, 2022

Nathan Ochsner, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CHRISTY ALLPHIN MATHIS,

Plaintiff,

vs.

GRIMES COUNTY JAIL,

Defendant.

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CIVIL ACTION NO. H-22-2608

MEMORANDUM OPINION DISMISSING CASE

Pretrial detainee Christy Allphin Mathis filed an action under 42 U.S.C. § 1983, alleging that officials at the Grimes County Jail violated her civil rights by being deliberately indifferent to her serious health condition. (Docket Entry No. 1). She also filed a motion to proceed without prepaying the filing fee. (Docket Entry No. 6).

On September 15, 2022, the court granted Mathis leave to proceed without prepaying the filing fee and ordered that she could pay the filing fee by installments. (Docket Entry No. 9). The court assessed Mathis an initial partial filing fee of \$10.00, which was due on or before October 15, 2022. (*Id.*). The court warned Mathis that failure to pay the initial partial filing fee and any subsequent installments as directed would result in a dismissal of this case without further notice under Rule 41 of the Federal Rules of Civil Procedure. (*Id.*).

In addition, on October 10, 2022, the court issued an order directing Mathis to file a more definite statement of her claims within 30 days of the date of the order. (Docket Entry No. 10). Mathis was again warned that failure to comply as directed would result in a dismissal of her case without further notice under Rule 41. (*Id.*).

To date, Mathis has not complied with either order as directed, and her time to do so has expired. Mathis's failure to pursue this action forces the court to conclude that she lacks due diligence. Dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (a district court may dismiss an action on its own for failure to prosecute or to comply with any court order).

Mathis is advised that she may seek relief from this order under Rule 60(b) of the Federal Rules of Civil Procedure if she can show good cause for failing to comply with the court's orders and the local rules. Any motion under Rule 60(b) must be accompanied by the initial partial filing fee of \$10.00 and a response to the court's October 10, 2022, order.

Mathis's complaint, (Docket Entry No. 1), is dismissed without prejudice for want of prosecution.

SIGNED on November 22, 2022, at Houston, Texas.

A handwritten signature in black ink, reading "Lee H. Rosenthal", written over a horizontal line.

Lee H. Rosenthal
Chief United States District Judge